

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TODD WOLF,

Plaintiff,

Case No.: 23-cv-149

v.

CITY OF SHEBOYGAN, MAYOR RYAN
SORENSEN in his individual and official capacity,
CITY ATTORNEY CHARLES ADAMS in his
individual and official capacity, ALDERPERSONS
OF SHEBOYGAN'S COMMON COUNCIL,
BARBARA FELDE, ROBERTA FILICKY-PENESKI,
AMANDA SALAZAR, ANGELA RAMEY,
BETTY ACKLEY, ZACHARY RUST, DEAN DEKKER,
GRAZIA PERRELLA, all in their individual and official
Capacities, SHEBOYGAN AREA SCHOOL
DISTRICT BOARD MEMBER MARY LYNNE
DONOHUE, in her individual and official capacities;
MAYA HILTY; and JILL HALL,

Defendants.

**DEFENDANTS' CITY OF SHEBOYGAN, MAYOR RYAN SORENSON,
CITY ATTORNEY CHARLES ADAMS, ALDERPERSONS BETTY ACKLEY, DEAN
DEKKER, BARBARA FELDE, ROBERTA FILICKY-PENESKI, GRAZIA PERRELLA,
ANGELA RAMEY, ZACHARY RUST, AMANDA SALAZAR AND SHEBOYGAN
AREA SCHOOL DISTRICT BOARD MEMBER MARY LYNNE DONOHUE'S BRIEF
IN SUPPORT OF THEIR FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) MOTION
TO DISMISS PLAINTIFF'S AMENDED COMPLAINT IN ITS ENTIRETY**

NOW COME Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderpersons Betty Ackley, Dean Dekker, Barbara Felde, Roberta Filicky-Peneski, Grazia Perrella, Angela Ramey, Zachary Rust, Amanda Salazar, and Sheboygan Area School District Board Member Mary Lynne Donohue (hereinafter jointly referred to as "Defendants") by and through the undersigned attorneys, and hereby move to dismiss Plaintiff's

Amended Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their motion, and in support thereof, Defendants state as follows:

1. On or about February 6, 2023, Plaintiff filed a Complaint in the United States District Court Eastern District of Wisconsin (hereinafter “Plaintiff’s Complaint”) asserting a violation of freedom of speech and retaliation, due process rights (property, liberty), conspiracy, and unlawful conversion of personal property.

2. Plaintiff personally served Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderpersons Betty Ackley, Dean Dekker, Barbara Felde, Roberta Filicky-Peneski, Grazia Perrella, Angela Ramey, Zachary Rust, Amanda Salazar and Sheboygan Area School District Board Member Mary Lynne Donohue with his Complaint on or about February 6, 2023.

3. Defendants filed a Partial Motion to Dismiss Plaintiff’s Complaint and Partial Answer to Plaintiff’s Complaint on March 29, 2023.

4. Defendant Hall filed a Motion to Dismiss Plaintiff’s Complaint on March 31, 2023.

5. Defendant Hilty filed a Motion to Dismiss Plaintiff’s Complaint on April 3, 2023.

6. Instead of filing a Resistance to the pending Motions to Dismiss, Plaintiff filed an Amended Complaint substantially changing the factual allegations and Claims against all Defendants.

7. Based on the Brief and Memorandum of Authorities in Support of their Motion to Dismiss, filed contemporaneously herewith and by reference incorporated hereto, this Motion is timely and it is proper for this Court to dismiss, as a matter of law, Plaintiff’s Amended Complaint in its entirety.

8. The pleadings and other supporting documents referenced hereunder show that Plaintiff has failed to state a claim upon which relief could be granted.

WHEREFORE, Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderpersons Betty Ackley, Dean Dekker, Barbara Felde, Roberta Filicky-Peneski, Grazia Perrella, Angela Ramey, Zachary Rust, Amanda Salazar, and Sheboygan Area School District Board Member Mary Lynne Donohue and request that this Court enter an Order dismissing Plaintiff's Complaint in their entirety as a matter of law for failure to state a claim upon which relief may be granted and for such other further relief as the Court deems just and equitable in the premises.

MWH LAW GROUP LLP

Attorneys for Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderpersons Betty Ackley, Dean Dekker, Barbara Felde, Roberta Filicky-Peneski, Grazia Perrella, Angela Ramey, Zachary Rust, Amanda Salazar, and Sheboygan Area School District Board Member Mary Lynne Donohue

By: /s/ Electronically signed by Warren E. Buliox

Warren E. Buliox SBN 1056215

Julie T. Bittner SBN 1128144

Kerrie M. Murphy SBN 1122869

735 N. Water Street, Suite 610

Milwaukee, WI 53202

Telephone: (414) 436-0353

Facsimile: (414) 436-0354

warren.buliox@mwhlawgroup.com

julie.bittner@mwhlawgroup.com

kerrie.murphy@mwhlawgroup.com